

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAMERON PIERCE and PATRICIA PIERCE, husband and wife; KAREN KIRBY, a single woman; GREGORY SHERMAN and PAULA SHERMAN, husband and wife; MICHAEL LEPAGE and GERTRUDE LEPAGE, husband and wife, LARRY BROWN, a single man, and RALPH MARTINELLI, a single man, on behalf of themselves and a class of similarly situated individuals.

Plaintiffs.

V.

NOVASTAR MORTGAGE, INC., a foreign corporation,

Defendant.

THIS MATTER comes before the Court as a result of the Final Report re Distribution to Class Members and *Cy Pres* Distribution of Residual, submitted by Class Counsel (the “Final Report”). The Court has considered the Report, the pleadings in relation to it, and the remainder of the file herein.

Having reviewed the Final Report and the pleadings filed in relation to it, and being duly advised, the Court hereby adopts Class Counsel's recommendations and ORDERS as follows:

**ORDER RE FINAL DISTRIBUTION TO CLASS
MEMBERS AND CY PRES DISTRIBUTION OF
RESIDUAL - 1**

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1 1. Class Counsel is authorized to set aside \$3,467.29 of the remaining \$22,382.50
2 balance in the Settlement Fund Account (a) to pay the \$2,305.97 check described in the Final
3 Report that Class Counsel are having re-issued which they believe is almost certain to be cashed,
4 and, if necessary, (b) to pay the \$1,161.32 check described above that was issued September 9,
5 2008, and may be cashed on or before March 9, 2009. This will reduce the balance in the
6 Settlement Account Fund to \$18,915.21.

7 2. Class Counsel are authorized to use \$2,050 of the remaining balance in the
8 Settlement Fund Account to pay the additional costs of the Claims Administrator through the
9 closure of the Settlement Account Fund at the end of March, 2009. This will reduce the balance
10 to \$16,865.21 (\$18,915.21 – \$2,050).

11 3. Class Counsel is authorized to distribute \$16,500 as a *cy pres* distribution to the
12 Legal Aid for Washington (LAW) Fund's Campaign for Equal Justice, which the Court finds is
13 reasonable and appropriate under the circumstances. This will reduce the balance to \$365.21
14 (\$16,865.21 - \$16,500).

15 4. Finally, Class Counsel is authorized to distribute the remaining balance, if any,
16 after all final costs of settlement administration are paid to the Claims Administrator, in a final *cy*
17 *pres* distribution to the Legal Aid for Washington (LAW) Fund's Campaign for Equal Justice,
18 which the Court again finds is reasonable and appropriate under the circumstances.

19 5. Based on this Order authorizing Class Counsel to distribute the remaining balance
20 of the Settlement Account Fund, as set forth above, and because there appear to be no further
21 administrative tasks requiring the Court's supervision in this matter, and the Court finds and
22 orders that the docket in this matter may now be closed.
23

24 DATED: December 16, 2008.

25 
26 ROBERT J. BRYAN
27 United States District Judge